

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 253**

**Introduced by Assembly Member Steinberg**

February 4, 2003

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An act to add Sections 1276.41 and 1276.42 to the Health and Safety Code, relating to health facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 253, as amended, Steinberg. Health facilities: nurse-to-patient ratios.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals. *Existing law requires the department to review these regulations 5 years after adoption and to report to the Legislature regarding any proposed changes.*

This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures when an acute care hospital is not in compliance. This bill would also authorize the department to assess fines, as prescribed, against those facilities that violate these provisions. This bill would require the department to ~~issue a report to the Legislature 5 years after the establishment of licensed nurse-to-patient ratios that includes~~ *include*

in the above report information and criteria based on actual practice and standards of practice for licensed nurses and an assessment of the implementation of, and compliance with, nurse-to-patient ratio requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) State law providing for licensed nurse-to-patient ratio  
4 requirements was enacted to ensure that all acute care hospitals in  
5 the state provide the highest level of safe, therapeutic, and  
6 effective patient care.

7 (b) The State Department of Health Services has undergone a  
8 three-year process of examining current nursing practice standards  
9 and hospital staffing patterns and of conducting extensive research  
10 regarding the relationship between safe nursing staff levels and  
11 positive outcomes for patients. This process established the  
12 specific, numerical ratios for safe, licensed nurse-to-patient ratios  
13 in all units in general acute care facilities throughout the state.

14 (c) It is among the highest health care service priorities that  
15 acute care hospitals comply with these staff ratios to benefit and  
16 protect patients.

17 (d) To ensure compliance with these ratios, additional and  
18 flexible enforcement mechanisms should be provided to the  
19 department when hospitals fail to comply with the law.

20 (e) The study is necessary to establish ratios that include both  
21 the best case nursing practices and measurements for patient  
22 outcomes that reflect the experience of nurses and patients in acute  
23 care facilities.

24 SEC. 2. Section 1276.41 is added to the Health and Safety  
25 Code, to read:

26 1276.41. (a) The department shall ensure compliance with  
27 Section 1276.4 by unannounced and announced inspections as  
28 provided by Section 1279 and existing procedures for the filing of  
29 complaints if there is a violation of Section 1276.4 as provided in  
30 this article.



(b) If the department issues a notice of deficiency and the acute care hospital files a plan of correction, the department shall inspect the hospital to ensure compliance with the plan of correction to the extent that resources can be allocated for this purpose.

(c) If the department determines that a hospital has not complied with the licensed nurse-to-patient ratios required under Section 1276.4 or a plan of correction, the department may assess fines of one thousand dollars (\$1,000) per day until the hospital is in compliance with the licensed nurse-to-patient ratios or the plan of correction. If the department determines that a subsequent complaint involves a prior plan of correction in the same unit of a hospital, the department may assess fines of five thousand dollars (\$5,000) per day until the hospital is in compliance with the plan of correction.

(d) It is the intent of the Legislature that funds derived from any fines collected pursuant to this section be used by the department's Licensing and Certification Division to fund hospital inspections.

(e) If a hospital has not complied with the approved plan of correction and the department does not assess a fine, the department shall issue a statement of reason to the hospital and to the individual or entity that made the complaint.

(f) The notice of deficiency along with the approved plan of correction shall be posted in the nurses' station or designated nurses' area of the unit where the deficiency occurred until the department determines that the hospital has complied with the approved plan of correction.

SEC. 3. Section 1276.42 is added to the Health and Safety Code, to read:

~~1276.42. (a) The department shall submit a report to the Legislature five years after the establishment of licensed nurse-to-patient ratios.~~

~~(b) The report required by subdivision (a) shall include both of~~  
*1276.42. (a) The department shall include in the report required to be submitted to the Legislature pursuant to subdivision (a) of Section 1276.4 both of the following:*

(1) Information and criteria based on actual practice and standards of practice for licensed nurses.

(2) An assessment of the implementation of, and compliance with, the nurse-to-patient ratio requirements.

~~(e)~~

- 1     (*b*) In preparing the report, the department shall consult with
- 2     the Office of Statewide Health Planning and Development
- 3     (OSHPD) in order to review relevant hospital data.

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